

AMENDMENTS TO THE DRAWINGS

Please amend FIGS. 1 and 6 to include the reference numeral “17” as shown underlined in red on the enclosed ANNOTATED SHEET, and as shown in clean form on the enclosed REPLACEMENT SHEET.

REMARKS

Claims 1-22 were pending in the subject application as of the May 19, 2006 mailing date of the current office action.

Summary of Objections/Rejections in the Current Office Action

Claims 8-12 and 19 stand rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,102,221 to Desgranges et al. ("the Desgranges patent"). The remaining claims (i.e., claims 1-7, 13-18 and 20-22) stand rejected pursuant to 35 U.S.C. §103(a) over the Desgranges patent in view of U.S. Patent No. 6,806,952 to Kois ("the Kois patent").

Summary of, and Response to, Objections in the Current Office Action

The Examiner objects to the specification of the subject application on two grounds, namely that reference numeral "17" is not shown in the drawings, and that the specification provides no antecedent basis for the "electrical grounding conductor" limitation in claim 7. In response, Applicant has amended Figures 1 and 6 to include reference numeral "17" as shown in clean form on the enclosed "REPLACEMENT SHEET" and as underlined in red on the enclosed "ANNOTATED SHEET." No new matter is added by these amendments, support for which is provided throughout the subject application, as filed, including, *inter alia*, at numbered paragraphs [0019] and [0021] thereof. Applicant also has amended claim 7 to replace the "an electrical grounding conductor" limitation with "a grounding wire." No new matter is added by this amendment, support for which is provided throughout the subject application, as filed, including, *inter alia*, at numbered paragraph [0017] thereof.

Response to Examiner's Claim Rejections

In rejecting claims 8-12 and 19, the Examiner alleges that their limitations are either disclosed by or inherently present within the Desgranges patent. In rejecting the remaining claims, the Examiner acknowledges that the Desgranges patent “does not explicitly teach that the device can be used to inspect [a] vehicle fuel tank and the probe is an elongated flexible probe,” but contends that such features are taught by the Kois patent.

Applicant respectfully traverses these rejections and submits that claims 1-22, as filed, are patentably distinct from the Desgranges patent, the Kois patent, and/or any proper combination thereof. In particular, Applicant takes exception with the Examiner's contentions (1) that the purported “guide tube” of the apparatus disclosed in the Desgranges patent is “disposed about said probe whereby said guide tube is slideable with respect to said probe, whereby said first end may be selectively extended from and retracted into said passageway” and (2) that it is inherent that “the probe (10) is movable back and forth with respect to the guide tube (11)” because the apparatus includes “a first stop and a second stop.”

Touching upon the second point first, the Examiner did not indicate where, in the figures or specification of the Desgranges patent, there is disclosure of a first stop or a second stop, and Applicant did not locate any depiction or description of a first or second stop in its review of the Desgranges patent. Thus, regardless of whether there is merit to the Examiner's inherency contention (and Applicant does not admit that there is), there does not appear to be a proper basis to support such a contention. Thus, this rejection should be removed.

Turning now to the first point, Applicant asserts that a fair reading of the Desgranges patent provides no basis to conclude that it discloses or suggests an apparatus including a guide tube that is slideable with respect to a probe about which the guide tube is disposed and/or that it has a first end that may be selectively extended from and retracted into said passageway. In particular, there does not appear to be support for the Examiner's contentions in the description of the apparatus, or in the various depictions thereof. In fact, if anything, language of the Desgranges patent such as "connecting means 10 being mounted in a body of the apparatus" (see column 3, lines 7-8) and "the apparatus 7 also comprises a tube 12 rigidly connected to the body 11, for example by a screw" (see column 3, lines 9-10) appears to counter the Examiner's assertions.

Moreover, there also does not appear to be any such support offered by column 3, lines 36-62 of the specification, which describes the "method of using the retouching apparatus 7."

According to this language of the Desgranges patent:

"the part of the apparatus 7 situated beyond the body 11 is introduced through the hole 5 in the casing 4. Then, the operator, by looking through the eyepiece 8 and moving the apparatus 7, effects the locating of the defect 6 on the blade 5 and the corresponding placement of the apparatus 7. In the next stage, the operator actuates the control rod 15 to deploy the tool carrier 20, following the operating principle illustrated in FIG. 5, so as to bring the working part of the tool 21 into contact with the edges of the observed defect 6. After this positioning, the control rod 15 is locked by means of a screw 15a. Then, while monitoring the work being carried out by looking through the eyepiece 8, the operator gently reciprocates the apparatus 7 through the hole 5 of the casing, as indicated by the double arrow f in FIG. 1, so as to cause the tool 21 to perform a mechanical operation of smoothing the edges of the defect 6 by removal of material as a result of the abrasive action of the said tool 21. Finally, when from visual inspection the retouching is deemed to be sufficient, the operator performs the operations in the reverse order to disengage the apparatus 7: refolding the tool carrier 20 by means of the control rod 15 and withdrawing the apparatus 7 from the hole 5 in the casing."

In sum, the language and drawings of the Desgranges patent do not appear to support the Examiner's interpretation thereof or the rejections based thereupon. For at least this reason, the rejection of claims 8-12 and 19 is believed to be improper and should be withdrawn.

Moreover, as noted above, the Examiner relies upon the Desgranges patent in rejecting pending claims 1-7, 13-18 and 20-22 as well, albeit in combination with the Kois patent. However, even assuming, *arguendo*, that the Kois patent stands for what is alleged by the Examiner, the Kois patent nevertheless does not appear to remedy the aforementioned deficiencies of the Desgranges patent. For at least this reason, the rejection of pending claims 1-7, 13-18 and 20-22 is believed to be improper as well and should also be withdrawn.

Conclusion

In view of at least the amendments and/or remarks set forth herein, all objections to the specification have been overcome and currently pending claims 1-22 are believed to be patentable over the prior art of record. Therefore, Applicant submits that the subject application is in condition for allowance, and respectfully requests reconsideration and allowance thereof.

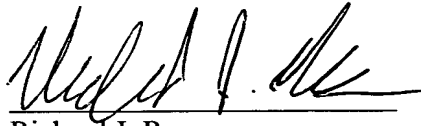
If the undersigned can be of any assistance in advancing the prosecution of the subject application, then the Examiner is invited to contact him using the contact information provided below.

Extension of Time and Authorization To Charge Necessary Fees

Applicant submits that this paper is being timely filed in view of the One-Month Extension of Time request and \$120.00 fee enclosed herein. Additionally, the Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

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